

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PAIGE E. HYLTON,

Plaintiff,

vs.

CHAD MCMAHON, and MJL, LLC,

Defendants.

8:21CV291

ORDER

This matter comes before the Court on Defendants' Motion to Compel Discovery Responses from Plaintiff ([Filing No. 32](#)). Defendants seek an order compelling Plaintiff to answer interrogatories and to respond to requests for production of documents. Plaintiff did not respond to the motion. See NECivR. 7.1(b)(1)(C).

On September 12, 2022, defense counsel served Defendants' First Set of Interrogatories and Defendants' First Set of Requests for Production of Documents upon Plaintiff's counsel. ([Filing No. 31](#)). On October 20, 2022, counsel for Defendants sent a letter to Plaintiff's counsel seeking responses to discovery by October 25, 2022. Plaintiff's counsel did not respond. Defense counsel called Plaintiff's counsel on October 26 and November 21 and left voicemails, but Plaintiff's counsel did not respond. ([Filing No. 32-1](#)). Defendants filed this motion on November 30, after receiving no response. ([Filing No. 32](#)).

A party must serve answers, responses, and any objections to properly served interrogatories and requests for production within thirty days of service. See [Fed. R. Civ. P. 33\(b\)\(2\)](#) and [34\(b\)\(2\)\(A\)](#). A party seeking discovery may move for an order compelling answers and production if a party fails to answer an interrogatory under Rule 33 or fails to produce documents requested under Rule 34. See [Fed. R. Civ. P. 37\(a\)\(3\)\(B\)\(iii\)](#) and (iv). Based on the record before the Court, Plaintiff failed to answer interrogatories or respond to Defendants' written discovery requests. Plaintiff did not request any extension of time to provide discovery responses, did not provide any reason for the failure to respond to discovery, has not responded to defense counsel's informal attempts to obtain responses, and filed no response to this motion to compel. As such, the Court finds that Defendants' motion to compel is properly granted. Accordingly,

IT IS ORDERED:

1. Defendants' Motion to Compel Discovery Responses from Plaintiff ([Filing No. 32](#)) is granted.
2. On or before **January 13, 2023**, Plaintiff shall serve all outstanding responses to Defendants' requests for production and answers to interrogatories, without objections. Failure to comply with this order may result in the Court's entry of an appropriate sanction on Defendants' motion pursuant to [Fed. R. Civ. P. 37\(d\)\(1\)\(A\)\(ii\)](#) and (b)(2).

Dated this 19th day of December, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge